

Staffing Congress to Strengthen Oversight of the Administrative State

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Staffing Congress to Strengthen Oversight of the Administrative State

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Executive Summary:

While Congress has made reforms in the past to square the executive branch's regulatory actions with representative government, congressional capacity has not kept pace with the growth of administrative government. This brief discusses reforms that would strengthen Congress's capacity to engage the regulations that already exist and provide oversight for the large flow of new regulations proposed each year. Any serious and durable effort to reduce the power of the administrative state must increase the number of congressional overseers to engage and, if necessary, correct the executive branch's regulatory activity. First and foremost, that means augmenting Congress's staff.

Introduction

Criticisms of unaccountable and illegitimate federal regulatory activity have been made for at least half of a century. "The modern administrative state," one scholar summarily observes,

"reflects a profound failure of republican self-governance. Today's federal agencies wield immense power and broad discretion, with too little accountability to the people, and too little regard for the rule of law. But this is not a failure of the agencies themselves. Rather it is the collective failure of our federal government's three branches. The legislative, executive, and judicial branches have chosen to cede such power and discretion to the administrative state; they have eschewed the use of their own constitutional powers to direct, channel, and restrain its energy and will."¹

To be fair, Congress has tried to square the executive branch's regulatory actions with representative government. Its enactment of the Administrative Procedures Act in 1946 forced federal agencies to accept and consid-

er public comment in the course of rulemaking.² Its passage of the Congressional Review Act a half-century later provided legislators a fast-track process to strike down recently finalized regulations.³ Both of these statutes have notification provisions, which aim to alert the public and Congress of an agency's intention to regulate.

But notifications do not force legislative action. Legislators rarely submit public comment on new rules, and Congress almost never strikes down rules. Unlike the appropriations process, which has a built-in oversight process wherein agencies must submit budget requests to Congress that can prompt legislative inquiries, regulation has no such procedural nudge or forced conversation between the branches.

Reformers trying to spur legislative action to bring the administrative state to heel often focus on procedural fixes to slow the production and aggregation of regulations. Reformers have advocated having the executive branch use regulatory budgeting, curbing the federal judiciary's deference to regulators, and inserting "sunsets" in statutes and their resultant agency rules.⁴ They

also have advocated forcing Congress to vote on major rules (e.g. the REINS Act).⁵

Less frequently discussed are reforms that would strengthen Congress’s capacity to engage the immense amount of regulations that already exist and the large flow of new regulations proposed annually.⁶ The limited reformist focus on the legislature *as an institution* is somewhat surprising, seeing as a central criticism of the administrative state is that it is wielding legislative authority.

This paper argues that any serious and durable effort to reduce the power of the administrative state must increase the number of congressional overseers to engage and, if necessary, correct the executive branch’s regulatory activity. First and foremost, that means augmenting Congress’s staff.⁷ It is they who bear the brunt of helping legislators discern appropriate implementation from inappropriate presidential policymaking.

To make this case, the paper first considers the scope of the executive branch’s regulatory activity, which it then contrasts with the legislature’s human oversight capacity. Next, the paper considers the options for bolstering the legislature’s people power. Ultimately, it argues that the best option is to add legislative branch staff to a new Congressional Regulation Office that can empower legislators and perhaps spur their engagement.

Overseeing the Administrative State: The Growing Scope of Work

The U.S. Constitution’s Article I assigns “all legislative powers” to the Congress (section 1), along with the authority to raise revenues through taxes, duties, and debt issuance (section 8), and to “make rules for the government and regulation of the land and naval

forces” (section 8). Once a statute is enacted (with or despite the consent of a president), the Constitution requires the chief executive to “take care that the laws be faithfully executed” (section 3).

Thus, the legislative and executive branch have a principal-agent relationship. The legislature (principal) may establish an executive branch agency (agent) to implement a statute, and to expend congressionally authorized and appropriated funds for this purpose. To ensure the executive has faithfully executed the law and used public funds appropriately, and to assess the effectiveness of the statute, Congress must engage in oversight.⁸ “[T]he power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function,” the Supreme Court has affirmed. “A legislative body cannot legislate wisely or effectively in the absence of information.”⁹

Congress has facilitated its oversight of the executive branch by establishing standing committees and assigned them with authorizing and appropriating jurisdiction. It also has created special investigative committees, and augmented its access to executive branch information by establishing the Government Accountability Office and Inspectors General. Congress has issued statutory reporting requirements on executive agencies as a matter of course.

In order for this relationship to work properly, however, Congress has to know and understand what the executive branch is doing. At the dawn of the 20th century, Congress could roughly apprehend the rudiments of the whole of the federal government. There were eight departments in 1900, with 230,000 employees, 135,000 of whom worked for the Post Office Department. Congressional policymaking and oversight largely focused on appropriations, private relief bills, and infrastructure and lands-related issues.¹⁰ The

ratio of legislative branch employees to executive branch employees was approximately 7:100.¹¹

Today, there are perhaps 180 executive branch and independent agencies, and 1.87 million civilian employees.¹² Congress, usually at the behest of presidents, has expanded federal governmental authority into policy areas previously managed entirely by state and local governments (e.g., pre-kindergarten through 12th-grade education, maternal health, etc.) and emergent issue areas (e.g., aviation, nuclear materials production and handling, etc.). The ratio of legislative branch employees to executive branch employees is 1:100.¹³

A consequence of the great expansion of government authority and agencies is immense growth in federal regulatory activity. There are more than 180,000 pages of federal

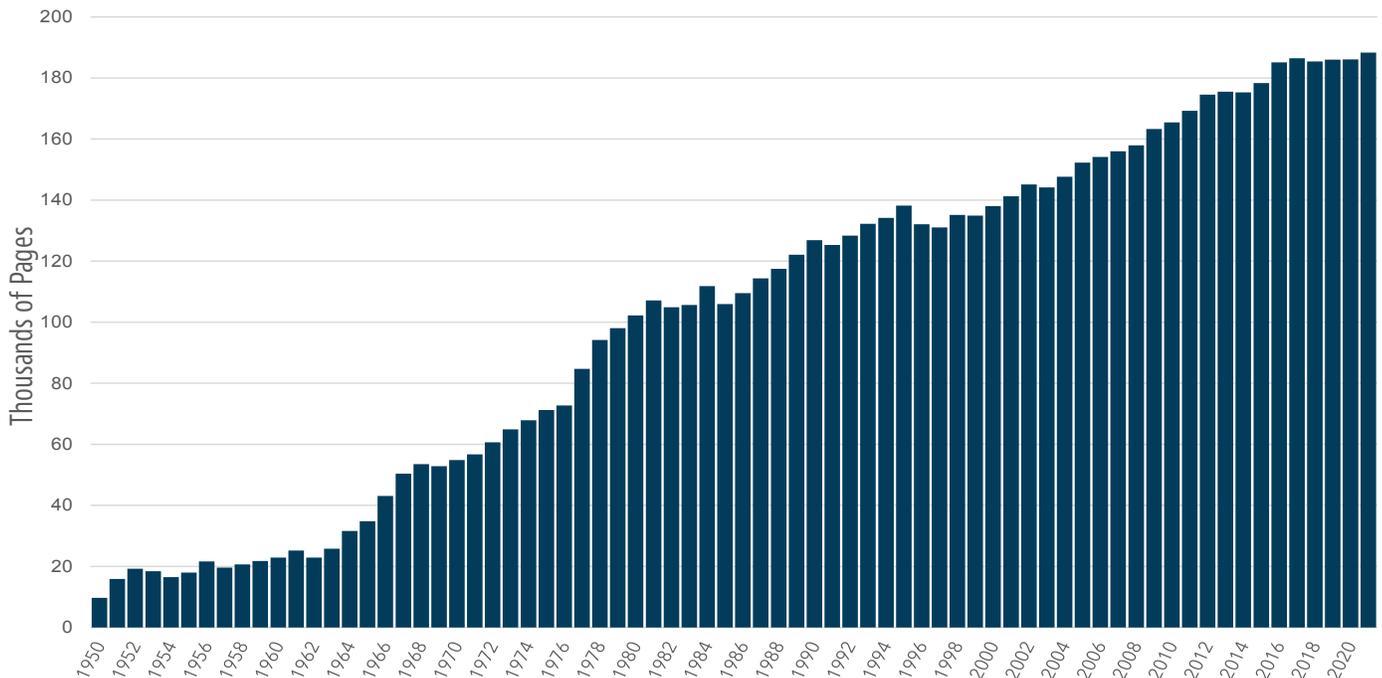
regulations in force. **(Figure 1.)**

Each year, an additional 2,000 to 3,000 new regulations are proposed and 3,000 to 5,800 regulations are finalized. **(Figure 2)** Between 40 and 170 of them are “final major rules” that are estimated to have “an annual effect on the economy of \$100 million or more.”¹⁴

Worth noting is that the aforementioned regulatory data exclude agencies guidance and other explanatory and directive documents, sometimes called “regulatory dark matter.”¹⁵ The quantity of these materials, which add further specificity to agencies’ implementation, is unknown but indubitably significant.

No discussion of the scope of federal regulatory activity would be complete without mentioning the regulations themselves. Governance is an innately complex undertaking; consequently so too are many regulations.

Figure 1. Pages of the Code of Federal Regulations, 1950-2021



Source: Regulatory Studies Center, George Washington University, November 1, 2022. https://regulatorystudies.columbian.gwu.edu/sites/g/files/zaxdzs4751/files/2022-11/totalpagescodefedreg_11-01-2022.pdf

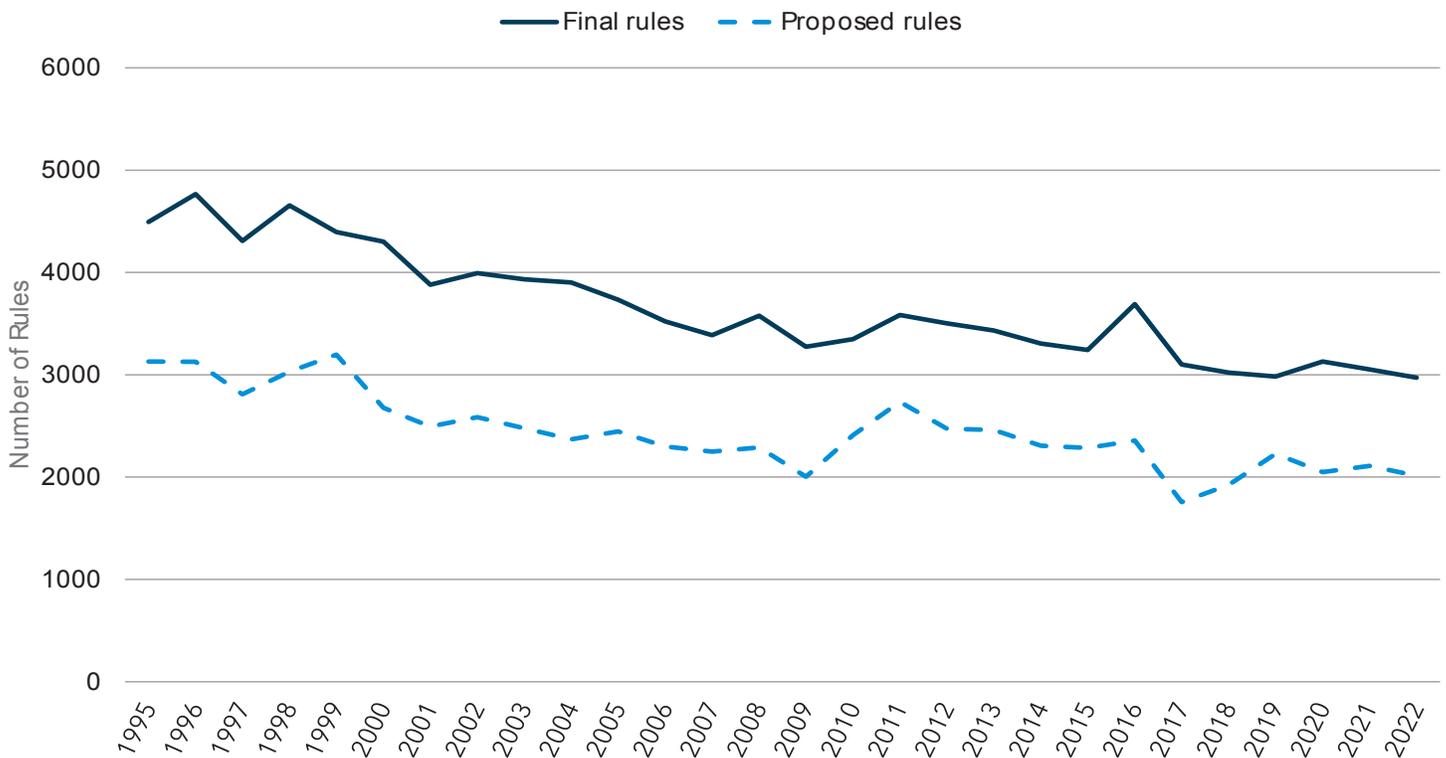
Consider, for example, the example of a well-intended legislator or Hill staffer who cares about energy policy and wants to learn more about the existing executive branch’s policies on nuclear energy. Specifically, he decides to look into the licensing requirements for nuclear reactor operators. His inquiry into current policy might begin with a look at the *Code of Regulations* section on “annual fees for reactor licenses,” which is about two dozen pages of technical definitions and directions.¹⁶ Mastering this lacunae would only begin his education in this policy area. He would need to learn a great deal more to even begin exercising thoughtful oversight.

Or consider the legislator or staffer who wants to consider the propriety and wisdom of a proposed regulation. For example, the Centers for Medicare & Medicaid Services

proposed a major rule to modify the “Health Insurance Portability and Accountability Act National Council for Prescription Drug Programs Retail Pharmacy Standards” and other purposes in November of 2022.¹⁷ The document runs 27 pages and understanding it would require significant knowledge of a range of federal health programs and the analytical capacity to second guess the rule’s \$386.3 million cost to pharmacies, pharmacy benefit plans, and chain drug stores.

The average legislator is highly unlikely to have the expertise to competently assess these regulations for fealty to the law or their purported benefits.¹⁸ There is no shortage of lobbyists happy to assist them, but they are no less self-interested than regulators.¹⁹ Help for Congress to counter the administrative state must come from within the legislative branch.

Figure 2. Final and Proposed Federal Regulations, 1995-2022



Source: Regulatory Studies Center, George Washington University, March 28, 2023. https://regulatorystudies.columbian.gwu.edu/sites/g/files/zaxdzs4751/files/2023-04/federal_register_rules_presidential_year_0.pdf

Overseeing the Administrative State: Insufficient Overseers

The story of the executive branch over the past century has been one of immense growth. The story of Congress has also been one of much more modest growth in regulatory oversight capacity followed by stagnation in the past three decades.

In 1900, Congress had 476 legislators and very few staff, perhaps a few hundred.²⁰ Today, the national legislature has somewhat more legislators, 535, and it is far better staffed. The addition of 59 legislators since 1900 has not appreciably increased Congress’s oversight power, certainly not vis-a-vis the massive growth of the administrative state in that same period. Legislators themselves have limited capacity to devote to the study and oversight of regulatory matters. One survey of House members found they spent 35 percent of their time on legislative and policy work, and the rest on campaign fundraising, constituent service, press and media relations and other activities.²¹

So the burden almost inevitably falls on legislative branch staff, who number 19,440. **(Table 1)** There are 9,247 House employees and 6,019 Senate employees who work for individual legislators, committees, leadership offices, or other legislative offices.²² Congress

also employs approximately 4,375 civil servants in its main legislative branch support agencies, the Congressional Budget Office (CBO; 270 staff), Congressional Research Service (CRS; 633 staff), and Government Accountability Office (GAO; 3,400 staff).²³

Prima facie, Congress may appear to be well staffed to oversee the administrative state. A closer examination of what these staff do indicates otherwise.

Personal staff: The individuals who work directly for individual representatives and senators comprise the majority of staff employed in both chambers: 6,585 of the 9,128 House staff (72.1%) and 4,162 of the 6,019 Senate staff (69.1%).²⁵ Typically, personal staff are not able to focus on single policy areas to develop significant expertise. In part, this stems from their job duties, which commit some of them to other tasks, such as responding to constituent communications, keeping the legislator’s schedule, and managing media relations.²⁶ Around 47% of House personal staff and 43% of Senate personal staff are stationed in district and state offices outside Washington, DC, where they liaise with constituents and local officials and interest groups.²⁷

Personal staff rarely are specialists. The average employee in a personal office in the

Table 1. House, Senate, and Legislative Branch Support Agency Staff, 2022

Entity	2022
House	9,128
Senate	6,019
Congressional Budget Office	270
Congressional Research Service	633
Government Accountability Office	3,400
Total	19,440

Sources: House and Senate data come from the Congressional Research Service. Agency data derived from agencies’ budget justifications.²⁴

“The story of the executive branch over the past century has been one of immense growth. The story of Congress has also been one of much more modest growth in regulatory oversight capacity followed by stagnation in the past three decades.”

House of Representatives has a bachelor’s degree and is between 25 and 29 years old.²⁸ On the job, they have difficulty allocating time to specialize in particular policies areas.²⁹ “There are more policy issues than there are staffers in an individual member’s office, so staffers are pressed into generalists duties as a matter of course,” observed one Hill staffer³⁰ Hill personal staff also tend to have modest tenures in their positions, staying only for a few years.³¹

Congressional committees: Both the House’s Committee on Oversight and Accountability and the Senate’s Committee on Homeland Security and Governmental Affairs have subcommittees whose jurisdiction includes regulation generally. They conduct *ad hoc* examinations of general regulatory matters, such as the quantity of regulation produced, on occasion.³²

Congress’s authorizing and appropriations committees also have the authority over regulatory matters within their individual policy jurisdictions. Committees can overrule executive regulatory action by exercising the legislative powers of the pen or purse. They can report authorizing legislation that negates the regulation or appropriations bills that prohibit the use of federal funds for enforcement of the regulation.³³

Certainly, most committee staff do have more time to devote to policymaking and oversight and therefore regulatory matters. Nonetheless, committees and their staff tend to work on a portfolio of issues, and

their activities often focus on matters other than regulations, such as appropriations for existing policies, program efficacy or mismanagement, private sector misdeed, or new policy issues. For example, House and Senate committees held 5,090 hearings between January 1, 2015- December 31, 2018, of which a mere 103 (2.0%) were explicitly devoted to regulations, regulatory process, or a regulatory agency.³⁴

Committee staff’s acquisition of knowledge about any one subject tends to be gained episodically, such as in the course of preparing for a hearing. It is an irregular course of learning in comparison with executive branch employees who work on regulatory matters, but over the course of years it can produce expert knowledge.

Unfortunately, fewer than 20% of House and fewer than 30% of Senate committee staffers with policy and oversight responsibilities stay in their positions for more than five years.³⁵ In many instances, staff departing one position may be moving laterally or upward into another position, albeit most likely it is a job vacated by another staffer. New committee positions on Capitol Hill are rare, and in fact there are 16% fewer committee jobs than existed in 1990. **(Table 2.)**

Legislative branch support agencies:

The agencies’ were created in part to employ long-tenured civil servants with deep expertise in policy areas and governmental processes. Each agency’s statute tasks it with a range of duties in support of Congress and,

to a lesser degree, the public.

Neither the CBO’s nor the CRS’s statutes require them to track regulations, calculate the costs and benefits of regulations prospectively or retrospectively, or issue any reports on regulatory matters.³⁷ Congress has stipulated other purposes for these agencies and their employees. Hence, the CRS occasionally issues reports on regulatory matters, and CBO does so hardly ever.

The GAO’s statute gives it broad investigative authority, and does issue reports on specific regulations and on regulatory processes at the request of congressional committee chairpersons. Additionally, the Congressional Review Act, assigned the GAO the responsibility to receive proposed major rules and to issue reports thereon to the relevant committee chairs in each chamber.³⁸ That noted, most of the agency’s work is on non-regulatory matters, such as bid protests, reviews of federal programs’ effectiveness, and issuing legal opinions on the use of appropriated funds.

On the whole, Congress clearly has increased its capacity through the addition of myriad staff over the past century. The vast majority of these employees, however, spend most if not all of their time on legislative duties other than regulatory oversight. Only a small number of legislative branch employees (at GAO and CRS) are assigned full-time to regulatory issues.

One final point needs made: there exists divergent trends between executive regulatory activity and legislative oversight capacity since 1990. While the quantity of aggregate rules and new rulemaking grows (see **Figure 1**), the number of legislative staff available to legislators to assist with regulatory oversight has been flat. (**Table 3**)

Bolstering Congress’s Capacity to Oversee the Administrative State

The federal governmental system is a Madisonian one with separated branches contending for power. The executive branch has professional personnel at the Office of Information and Regulatory Affairs and within all agencies who produce regulations in immense quantities each year (**Figure 1** and **Figure 2** above). The legislative branch does not have a remotely equivalent corps of professionals to assess those regulations and advise legislators. Which is a problem.

Congress has various options for remedying this imbalance. Certainly, it can pare down its regulatory workload by curbing the executive branch’s authority to issue regulations by abolishing executive agencies and enacting a regulatory budget.

But Congress must strengthen its own regulatory oversight capacity. Reformers have advanced a range of institutional remedies, including:

- **Creating a temporary commission or**

Table 2. Committee Staff Positions, 1990 vs. 2022

Entity	1990	2022
House committees	2,088	1,178
Senate committees	1,174	1,194
Total	5,252	4,394

Data Source: Congressional Research Service reports.³⁶

Table 3. House, Senate, and Legislative Branch Support Agency Staff, 1990 vs. 2022

Entity	1990	2022
House	9,436	9,128
Senate	5,103	6,019
Congressional Budget Office	226	270
Congressional Research Service	797	633
Government Accountability Office	5,066	3,400
Total	20,678	19,440

Sources: House and Senate data come from the Congressional Research Service. Agency data derived from agencies’ budget justifications.³⁹

special committee to review existing regulations, and produce a list of regulations that should be altered or abolished. Congress can then use this list to draft and enact legislation.

- Establishing a well-staffed standing regulatory committee in each chamber with the jurisdiction to review regulations and report legislation.
- Increasing the number of congressional committee staff and designating them to work on regulatory matters.
- Staffing a new legislative branch support agency or an existing one (GAO or the CRS) to assist Congress on regulatory issues.⁴⁰

All of these proposals have their merits, but those proposals that would add capacity to the chambers’ committee systems are problematic as committees have inherent limitations.

Any new commission or committee with anything beyond advisory authority (e.g., identifying problematic regulations) would usurp the jurisdiction of existing committees. Second, designating a committee to perform a particular duty is no guarantee that it will do so. A committee’s work agenda is largely decided by its chairperson,

whose competence, work bandwidth, and commitment to any particular topic varies. Furthermore, the quality of any committee’s work is affected by the legislators who serve on it. Some legislators are “work horses” devoted to the time-consuming work of oversight, and others are “show horses” who use their committee positions to engage in symbolic activities designed to bolster their reelection odds or personal brands.⁴¹ Staff also matter, and their quality, expertise, and tenure range widely and affect policymaking.⁴²

Finally, regulatory oversight inevitably requires individuals with substantial expertise in particular policy areas or analytical techniques, such as benefit-cost analysis. Committees may have difficulty hiring and keeping those individuals. Committee jobs are insecure, as staff serve at the pleasure of the chairperson and ranking member. Rising partisan polarization in Congress also has increased the politicization of committees and their work.

Accordingly, Congress should augment its regulatory oversight capacity and house it in a new legislative branch support agency.⁴³ Such agencies’ institutional features readily lend them to the work of supporting congressional oversight of regulation. Unlike committees, the support agencies are

nonpartisan, shared services with outputs that benefit all of Congress.⁴⁴ They attract and keep employees with deep expertise and long institutional memory by offering attractive compensation and job security.⁴⁵ And these agencies do the work mandated by their statutes because it is their *raison d'être* and they fear being defunded by appropriators.⁴⁶

An independent Congressional Regulation Office (CRO) could be modeled on the Congressional Budget Office, which Congress built to counterbalance the president's Office of Management and Budget.⁴⁷ This new CRO could be about the same size as the CBO: a couple hundred employees with a budget of perhaps \$70 million per year.⁴⁸

The CRO would have two main functions. First, it would perform benefit-cost analyses of agencies' significant rules in order to provide a disinterested check on agencies' self-interested math. These CRO scores should be posted online, delivered to the committees of jurisdiction, and submitted as public comments. Doing these things would increase the political salience of agency rulemaking, thereby fostering congressional oversight and encouraging policy entrepreneurs in the legislature to take up the subject.

Second, this new regulatory office should study existing regulations informed by data collected since their enactment. These "look-back" assessments could identify regulations that proved more burden than benefit. The CRO also could issue reports that analyze policy areas where multiple agencies

regulate the same realms of activity. In food safety, for example, the EPA, the Food and Drug Administration, and the Department of Agriculture's Food Safety and Inspection Service all wield some regulatory power. Such reports would greatly benefit Congress by mapping out the overall structures and total positive and negative effects of particular regulatory regimes.⁴⁹

Both forms of CRO studies would educate legislators and staff and they would empower committees to push back on the administrative state with legislation. And it goes without saying that a CRO would prove very helpful to Congress were it to enact regulatory budgeting or the REINS Act (requiring votes on major rules), or should the Supreme Court curb *Chevron* deference.

Conclusion

Congress built the administrative state in fits and starts beginning in 1887, when it established the Interstate Commerce Commission to regulate the excesses of the railroad companies and the barons who ran them--for the public good.⁵⁰ No legislator then or along the way likely ever imagined what we have today: a sprawling executive branch that has created more than 186,000 pages of regulations affecting almost every aspect of Americans' lives.

What is almost as remarkable is that along the way Congress has done so little to augment its own capacity. While the executive branch employs untold professionals to regulate, Congress has hardly any. This has diminished the voice of the public in a great

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deal of governmental activities.

Shifting some of the legislative authority from the executive branch back to Congress will require a variety of reforms. This paper has argued that effort must include increasing Congress's capacity in regulatory matters. Knowledge is power, and our national legislature needs more such people to have any chance of exerting greater authority over the executive branch's application of the law.

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30. *Ibid.*, 84.

31. Congressional Research Service, *Staff Tenure in Selected Positions in House Member Offices, 2006-2016* (Washington: Congressional Research Service, November 9, 2016), <https://crsreports.congress.gov/product/pdf/R/R44682>; and Congressional Research Service, *Staff Tenure in Selected Positions in Senators’ Offices, 2006-2016* (Washington: Congressional Research Service, November 9, 2016), <https://crsreports.congress.gov/product/pdf/R/R44684>.

32. E.g., U.S. House of Representatives, *Death by a Thousand Regulations: The Biden Administration’s Campaign to Bury America in Red Tape*, 118th Congress, 1st sess., June 14 2023, <https://www.congress.gov/event/118th-congress/house-event/116105>.

33. Authorizing legislation may come in the form of a standard bill or as a Congressional Review Act disapproval resolution, the latter of which can abolish a regulation and prevent its reissuance. (See, for example, committee action in the 118th Congress on a range of disapproval resolutions at <https://www.congress.gov/search?q=%7B%22congress%22%3A%5B%22118%22%5D%2C%22source%22%3A%5B%22legislation%22%5D%2C%22search%22%3A%22%5C%22providing+for+congressional+disapproval%5C%22%22%7D&ts=1>.)

34. Author calculations based on searches of <https://www.govinfo.gov> for hearings with the term “regulation” or “regulatory” in the hearing title.

35. Congressional Research Service, *Staff Tenure in Selected Positions in House Committees, 2006-2016* (Washington: Congressional Research Service, November 9, 2016), <https://crsreports.congress.gov/product/pdf/R/R44683>; and Congressional Research Service, *Staff Tenure in Selected Positions in Senate Committees, 2006-2016* (Washington: Congressional Research Service, November 9, 2016), <https://crsreports.congress.gov/product/pdf/R/R44685>.

36. Congressional Research Service, *House of Representatives Staff Levels, 1977-2023*; and Congressional Research Service, *Senate Staff Levels, 1977-2022*.

37. 2 U.S.C. §§ 601 et seq.; and 2 U.S.C. §166 et seq.

38. 5 U.S.C. §§ 801(a)(1)(A).

39. *Op. cit.* 23 and 23. Legislative branch support agencies’ 1990 data come from Kevin R. Kosar, “Legislative Branch Agencies: What They Are, What They Do, and Their Uneasy Position in Our System of Government,” in LaPira, Drutman, and Kosar, *Congress Overwhelmed*, 128-144.

40. E.g., U.S. Congress, Senate Committee on Homeland Security and Governmental Affairs, *A Review of Regulatory Reform Proposals*, S. Hrg. 114-480, September 16, 2015, <https://www.govinfo.gov/app/details/CHRG-114shrg22377/CHRG-114shrg22377>; C. Jarrett Dieterle, “Lessons in Regulatory Oversight,” *National Affairs* (Fall 2018), <https://www.nationalaffairs.com/publications/detail/lessons-in-regulatory-oversight>; Satya Thalum and Dan Lips, *Empowering Regulatory Oversight: How Congress Can Hold the Administrative State Accountable* (Washington: Foundation for American Innovation, June 2023), <https://www.thefai.org/posts/empowering-regulatory-oversight-how-congress-can-hold-the-administrative-state-accountable>.

41. Donald R. Matthews, *U.S. Senators and Their World* (Raleigh, University of North Carolina Press, 1960), chapter 5.

42. Casey Burgat and Charles Hunt, “How Committee Staffers Clear the Runway for Legislative Action in Congress,” in LaPira, Dortmund, and Kosar, *Congress Overwhelmed*, 112-127.

43. The author admits a case can be made that this new regulatory review capacity could be housed in the CRS or GAO. But a new agency is preferred for a few reasons: (a) the CBO precedent shows a separate dedicated agency given a few, specific duties works; (b) both the CRS and the GAO have their own particular organization cultures and work processes that may not mesh with the demands of regulatory analysis and c-benefit-cost calculation; and (c) both the CRS and the GAO presently are working through some administrative challenges. The former is searching for a new director and attempting to rectify some managerial problems. The latter is in the process of standing up a science and technology assessment office. Saddling either agency with additional duties would be risky.

44. E.g., any legislator or staff can read the reports and other research products of the CBO, CRS, and GAO.

45. Kosar, “Legislative Branch Agencies: What They Are, What They Do, and Their Uneasy Posi-

tion in Our System of Government.”

46. Regulators regulate because they are employed and paid to do so. The same principle holds here.

47. The discussion herein draws upon Philip Wallach and Kevin R. Kosar, “The Case for a Congressional Regulation Office.”

48. Congressional Budget Office, *The Congressional Budget Office’s Request for Appropriations for Fiscal Year 2024*.

49. The CRO could also be given lesser tasks, such as creating a repository of all regulatory dark matter. The Trump administration mandated that agencies post all guidance documents on their website, but the Biden administration subsequently withdrew this requirement. Executive Office of the President, “Executive Order 13891, Promoting the Rule of Law Through Improved Agency Guidance Documents, October 15, 2019,” 84 *Federal Register* 55235-55238, <https://www.govinfo.gov/content/pkg/FR-2019-10-15/pdf/2019-22623.pdf>; and Executive Office of the President, “Executive Order 13992, Revocation of Certain Executive Orders Concerning Federal Regulation, January 20, 2021,” 86 *Federal Register* 7049-7050, <https://www.govinfo.gov/content/pkg/FR-2021-01-25/pdf/2021-01767.pdf>.

50. Act of February 4, 1887 (Interstate Commerce Act), Public Law 49-41, February 4, 1887.